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AUG 16 2006

In re Application of : **OFFICE OF PETITIONS**
Shigeto Ohmori et al :
Application No. 09/451,080 : NOTICE VACATING PATENT GRANT
Filed: November 30, 1999 :
Attorney Docket No. 024060-114 :
:

The purpose of this notice is to advise you that the above-identified application was mistakenly indicated to have been granted as U.S. Patent No. 6,301,062 on October 9, 2001.

The record discloses the following:

- * A Notice of Allowance and Issue Fee Due and a Notice of Allowability were mailed on March 26, 2001. The issue fee was timely received on June 26, 2001. No drawings were required by the Notice of Allowability.
- * On October 4, 2001, the Director of Technology Center 2800 withdrew the application from issue under the provisions of 37 CFR 1.313 to reopen prosecution "due to the unpatentability of one or more claims."
- * Subsequent to the mailing of the October 4, 2001 notice withdrawing the application from issue, a patent number of 6,301,062 and an issue date of October 9, 2001 were assigned as a result of the payment of the issue fee on June 26, 2001.

* The Group Director has been delegated the authority to withdraw an application from issue, including subsequent to payment of the issue fee. MPEP 1002.02(c), ¶ 19. Thus, this application was properly withdrawn from issue prior to the scheduled issue date of October 9, 2001 by a duly authorized official at the USPTO. Accordingly, a patent did not issue to this application on October 9, 2001. See Harley v. Lehman, 981 F.Supp. 9, 11-12 .2, 44 USPQ2d 1699, 1701-02 .n2 (D.D.C. 1997), and Black Light Power, Inc. v. Rogan, 63 USPQ2d 1534 (CA FC 2002).

In view of the above, the USPTO's publication (on October 9, 2001) of a document, purporting to be a patent, was in error.

Accordingly, the following erratum will be published in the Official Gazette:

All reference to Patent No. 6,301,062 to Shigeto Ohmori et al of Japan for LENS OPTICAL SYSTEM appearing in the Official Gazette of October 9, 2001 should be deleted since no patent was granted.

This application will be forwarded to Technology Center AU 2873 for further action as the nature of the case requires, via the Office of Patent Legal Administration for appropriate action on the "Petition for Initiation of Commissioner Ordered Reexamination."

Any questions concerning this matter may be directed to Frances Hicks at (571) 272-3218.



Charles Pearson
Director
Office of Petitions

cc: Paul Harrison
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